

VII. AND BE IT ENACTED, That the said overseers shall and they are hereby required, before they begin to streighten, amend or repair, any road within their several and respective districts, or to make or repair any bridge or causeway, to give at least ten days notice of their intention to the inhabitants of their districts, by advertisement set up at the most convenient, public, and frequented places in such district, in order that the said inhabitants may have an opportunity of hiring labourers to the said overseer, or labour themselves in and upon the said roads, bridges or causeways; and each overseer shall be entitled to six shillings per day for each day he shall attend.

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Overseers to
give notice, &c.

VIII. AND BE IT ENACTED, That the said justices, at their said meeting in March, and at their levy court in every year thereafter, shall apportion the sum of money levied as aforesaid in such proportion as they shall think proper, and have such sum expressed in the several warrants issued as aforesaid, and no overseer shall be responsible or punishable for any neglect of the said public roads, after expending such proportion as expressed in his warrant; and the said overseers shall render a true and perfect account, on oath or affirmation, of all persons employed by him respectively to labour on the said public roads, and of the wages allowed, and the number of days they attended respectively in discharging of the said trust, and other expences; and the said justices, or a majority of them present, at their levy court aforesaid, having examined and approved of the same, shall draw their order on the collector, requiring him to settle and pay, by discount for public taxes or otherways, (as the case may be,) to every person mentioned in such order, the sum due him, and such collector shall be allowed such order or orders in his settlement with the said court; and if any surplus shall remain of the assessment for the public roads aforesaid, after allowing the account produced by the overseers aforesaid for monies by them expended, such remainder shall be applied to the use of the county.

Justices to ap-
portion the mo-
ney levied, &c.

IX. AND BE IT ENACTED, That Alexander Rigdon, John Stump, John Carlile, John Weston, Samuel Raine, John Tredway and James Johnson, be and they are hereby appointed commissioners for the purpose of laying out the roads aforesaid; and the said commissioners, or a major part of them, appointed as aforesaid, may proceed to lay out the aforesaid roads, and streighten, mark and bound, the old roads, and execute all the powers and authorities of commissioners under this act; and if any of the said commissioners should die, or refuse to act, the said court, or any two justices of the peace most convenient, in the recess of the said court, may fill up the vacancy.

Commissioners
appointed, &c.

X. AND BE IT ENACTED, That the said commissioners shall examine, survey, lay out and sufficiently mark, the roads before expressed in this act, and may employ a fit and proper person as surveyor for the purpose, not allowing such surveyor more than ten shillings per day for his services; and such public roads shall be, by the said commissioners, laid out, streightened, marked and bounded, not less than two rod or more than three rod wide, and all and every new road before expressed shall be by them laid out, marked and bounded, in as streight a direction as the nature of the ground will admit, at the same time considering all advantages and disadvantages which may result therefrom to the public and individuals; provided, that the said road shall not be carried through any building, orchard, garden or yard, without the consent of the owner or possessor thereof.

Who shall exa-
mine the roads,
&c.

XI. AND, whereas the ground which will necessarily be taken up in laying out the roads aforesaid, and streightening and widening the said roads, may materially injure the proprietors, and it being reasonable to compensate the owners therefor, BE IT ENACTED, That the said commissioners may agree with the owner or owners of such land, or his, her or their guardian or trustee, upon the sum of money to be paid for the damages sustained by opening any of the said roads, taking into consideration all advantages and disadvantages which may arise to such owner or owners by opening the said roads, and the real value of such soil; and if the said commissioners cannot agree with such owner or owners, or his, her or their guardian or trustee, or on refusal of such owner to dispose of such land as may be thought necessary for the passage of any of the said roads, the said commissioners, or the owner or owners of such land, may apply to some justice of the peace, who shall thereupon issue his warrant, directed to the constable of the hundred where such land lies, commanding him to summon five substantial freeholders, not related to the party, or in any manner interested, to be and appear before one or more justice of the peace for the said county, on a certain day in the said warrant expressed; which said freeholders, upon their oath, to be administered by some justice of the peace, shall inquire who are or is the owner or owners of the land over which the road runs or passes, and what damages such owner or owners will sustain by reason and occasion of carrying such road over and through the said lands; and the said jury are hereby required to consider the convenience, benefit and advantage, (if any) by reason of such road passing over such land; and the constable shall return the verdict of the said jury, or of the majority of them, under their hands and seals, to such justice or justices, who shall

Agree for da-
mages, &c.